

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EDDIE JOHNSON,

Plaintiff,

-against-

THE COUNTY OF NASSAU, et al.,

Defendants.  
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**LINDSAY, Magistrate Judge:**

By letter dated February 4, 2008, the plaintiff moves to compel the defendants to provide the jail records of inmate Calvin Samuels, who is alleged to have attacked the plaintiff, and the full names and addresses of the two inmate witnesses. The defendants' response, dated February 8, 2008, reports that counsel have not met and conferred as is required by the undersigned individual rules and the local rules of this court. In addition, the defendants represent that they have provided the first and last names of the inmate witnesses and object to the production of the other requested materials citing privacy concerns of non-party inmates.

As a threshold matter, although plaintiff reports that "two separate written demands for the records" have been made, this effort does not comply with the court's requirement that parties actually speak to one another prior to seeking judicial intervention. Nonetheless, given that the defendants have opposed the substance of the application, the court will consider it on the merits.

With regard to the plaintiff's request to compel the "jail records of inmate Calvin Samuels," the defendants have provided a privilege log in accordance with Local Civil Rule 26.2. Plaintiff does not address the defendants' claim of privilege, nor does he identify which privilege he challenges. Accordingly, the plaintiff is directed to review the privilege log and identify which documents he seeks and the basis for challenging the privilege asserted. In so far as the plaintiff requests that he be provided with the first and last names of the two non-party inmate witnesses, defendants represent that this information has already been provided and refers to documents Bates Stamped Nassau County 000113 and NC 000125. Accordingly, the plaintiff's application is denied at this time. Upon review of the privilege log and the documents cited, the plaintiff may renew his application after conferring with the defendants either in person or by telephone in good faith on these issues.

Dated: Central Islip, New York  
February 19, 2008

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge

